

**Finding of No Significant Impact (FONSI) and Decision Record
For The Continued Development And Expansion Of
Avery Sand & Gravel Operation
BLM Environmental Assessment ##OR134-01-EA-2
(Vancouver Indian Allotments V-179 and V-179A)**

Introduction

In accordance with the National Environmental Policy Act (NEPA) of 1970, as amended, requirements (Title 40, Code of Federal Regulations, 1501-4[b]), an environmental assessment (EA) was prepared for continued development and expansion of the V-179/V-179A (Avery Sand and Gravel Pit) located in T. 2 N., R. 14 E., W.M., Section 14, Vancouver Indian Allotments V-179 and V-179A. The proposed project would supply borrow and aggregate materials for commercial use. The existing gravel pit and proposed expansion areas will encompass approximately 61 acres, located about 10 miles east of The Dalles, Oregon on the Washington side; or 3 miles west of Wishram, Washington, along State Route 14.

The analysis (#OR134-01-EA-002) considered three alternatives for this project: Proposed Action-Alternative A (Combined Mining of V-179 and V-179A); Alternative B (Mining of V-179A Alone); and Alternative C (No Action). A fourth alternative, Alternative D (Mining from Other Aggregate Sources), was eliminated from consideration.

Finding of No Significant Impact (FONSI)

The Proposed Action has been thoroughly analyzed and mitigating measures included to minimize impacts to resource values in the project area. Among the mitigating measures are specific provisions for:

- Timing and type of reclamation, including phased reclamation as the project is implemented.
- Reduction of noise and visual intrusion
- A 7-acre limitation on the size of new operational phases
- Dust abatement
- Recycling of waste water
- Monitoring
- Containment/storage of hazardous materials
- Re-seeding guidelines
- Weed control
- Off-site hauling of sanitary wastes

Use of existing roads (State Route 14 and the Avery Boat Launch Road) would not add substantial road traffic to the project area, as the vast majority of aggregate materials would be transported offsite by barge.

There are no natural water resources on the project area. Additionally, the project is not expected to impact any water resources in the general area, including the Columbia River.

Implementation of the project would not result in significant impacts to: air quality, access, cultural and archaeological resources, unique or prime farmlands, flood plains, Native American Religious Concerns, special status species, surface or ground water quality, wetlands or riparian zones, wild and scenic rivers, wilderness areas, project area aesthetics, and vegetation or wildlife resources. The project would not result in significant impacts from hazardous and/or solid wastes, nor is it expected to result in increased populations of invasive non-native plants, including noxious weeds.

A public review of the EA was provided from January 11 to 26, 2001 by public notice placed in The Dalles Chronicle Newspaper on January 11, 2001. The EA was also posted on the Spokane Bureau of Land Management (BLM) District's Internet site for public review. Three duplicate comment letters were received from three separate entities during the public review period of the EA. Basically, there were four concerns in those comment letters. One concern was about the overall cumulative effects on resources (such as air and water quality, aesthetics, surface disturbance, vegetative and wildlife, etc.) from the existing and proposed surface mining within the Avery, Washington, area when combined with effects from existing and proposed surface mining proposals in the vicinity of Dallesport, Washington. A second comment was about approval of expansion of existing operations contingent on the amount of reclamation performed. The third comment was an inquiry about the amount of water to be used in the proposal, and the fourth comment was about the use of 1990 census data in the EA. These comments were addressed in an amendment to the EA and considered in making this decision.

Based on the EA, including review of additional information responding to public comments discussed above, the BLM and Bureau of Indian Affairs (BIA) have determined that the analysis of this proposed project considered all applicable resource values. The BLM and BIA conclude that the proposed action (Alternative A) would have no significant environmental effects, and an Environmental Impact Statement (EIS) is not required.

Decision and Rationale

Based on the subject EA (BLM EA # OR134-01-EA-002, as amended) and considering cumulative effects, the FONSI above, and other information available to the BLM Spokane District Manager and BIA Yakama Agency Superintendent, it is our decision to implement Alternative A (Proposed Action) as described in the EA. The BLM Spokane District Manager will write a separate decision for the Pacific Northwest Aggregate's Mine/Reclamation Plan on Vancouver Indian Allotments V-179 and V-179A.

In response to public comments, the Avery Pit EA has been amended to include additional information about water use of the proposed activities and cumulative impacts. The cumulative effects of the existing and proposed surface mining with that in the Dallesport and Avery areas appear to be minimal and would not result in significant impacts to cultural and/or archaeological resources, groundwater quantity, surface disturbance, or aesthetics.

Detailed mine and reclamation plans, describing how the sites will be mined and concurrently reclaimed, have been submitted for reclamation of the existing disturbance and proposed surface mining within the Avery Pit area. As part of the permitting process, BLM makes reclamation bonding recommendations to the BIA Realty. Currently, the BIA Yakama Agency Realty Office is holding two reclamation performance bonds totaling \$351,000 (\$222,000 for the existing Avery, and \$129,000 for the proposed Eagle Point).

To respond to public comments, a discussion about the amount of water to be utilized (predominately for processing and dust abatement) has been included in an amendment to the EA.

Administrative Appeal Procedures

Any party to the case who is adversely affected by the decision of BLM approving the Mine/Reclamation Plan may appeal the decision directly to the Interior Board of Land Appeals, Office of the Secretary, in accordance with regulations in 43 CFR Part 4. If you decide to appeal the decision, your notice of appeal must be filed at the following three addresses within 30 days

of the publication date of a legal notice of the Notice of Availability (NOA) of the decision in The Dalles Chronicle newspaper, of The Dalles, Oregon region.

District Manager
Spokane District Office
Bureau of Land Management,
1103 N. Fancher
Spokane, WA 99212

Interior Board of Land Appeals
Office of Hearings and Appeals
4015 Wilson Blvd.
Arlington, VA, 22203

Office of the Regional Solicitor
Department of Interior
500 N.E. Multnomah Street, Suite 607
Portland, OR 97232

Standards for Obtaining a Stay

A party wishing to suspend the effectiveness of the decision during the time the appeal is reviewed must petition for such a stay at the time the appeal is filed and must include that petition with the filings with the Bureau of Land Management District Office, the Interior Board of Land Appeals, and the Office of the Regional Solicitor of the Department of Interior (see addresses above).

A petition for a stay of this decision is required to show sufficient justification based on the standards listed below. If a stay is requested, the proponent of the stay has the burden of showing that the decision appealed is in error and that the stay should be granted. Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- Relative harm to the parties if the stay is granted or denied;
- Likelihood of the appellant's success on the merits;
- Likelihood of immediate and irreparable harm if the stay is not granted; and
- Whether the public interest favors granting a stay.

/s/ Scott R. Boyd (acting for)
Joseph K. Buesing, BLM Spokane District Manager

5/9/01
Date

/s/ Clarence Holford
Clarence Holford, Superintendent, BIA Yakama Agency

May 9, 2001
Date